

Electronically filed January 2, 2008

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ATTORNEYS FOR USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

**NOTICE OF ENTRY OF ORDER
 DISALLOWING PROOF OF
 CLAIM OF SALVATORE J.
 REALE**

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:
☐ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA First Trust Deed Fund, LLC

Hearing:

Date: December 5, 2007
 Time: 9:30 a.m.
 Place: Courtroom 1, Foley Federal
 Building

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1 PLEASE TAKE NOTICE that an Order Disallowing Proof of Claim of Salvatore J. Reale
2 was entered in the above-referenced action on December 28, 2007. A copy of said Order is
3 attached hereto as Exhibit A.

4 DATED this 2nd day of January, 2008.
5

6 SNELL & WILMER L.L.P.
7

8 By /s/ Robert Kinas
9 Robert Kinas (Nevada Bar No. 6019)
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CERTIFICATE OF SERVICE

On January 2, 2008, I served the **NOTICE OF ENTRY OF ORDER DISALLOWING PROOF OF CLAIM OF SALVATORE J. REALE** for Snell & Wilmer L.L.P. and Orrick, Herrington & Sutcliffe LLP, attorneys for USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, in the above matter via the following means to the persons as listed below:

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Attorney for SALVATORE J. REALE

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 2nd day of January, 2008.



Jill Math

Snell & Wilmer

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EXHIBIT A

EXHIBIT A

Case: 06-10725-LBR Doc #: 5540 Filed: 12/28/2007 Page: 1 of 3

Entered on Docket
December 28, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

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ATTORNEYS FOR USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
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Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**ORDER DISALLOWING PROOF
OF CLAIM OF SALVATORE J.
REALE**

Hearing:

Date: December 5, 2007
Time: 9:30 a.m.
Place: Courtroom 1, Foley Federal
Building

The Court having considered the Objection to the Proof of Claim of Salvatore J. Reale

162605. 1160574.2

Snell & Wilmer

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LAW OFFICES
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(the "Objection") [Docket 5249] whereby USA Capital Diversified Trust Deed Fund, LLC ("Diversified"), a revested debtor in the above-captioned cases, objects to the Proof of Claim of Salvatore J. Reale ("Reale") filed on September 17, 2007, in the amount of \$4,869,310.57 (the "Reale Proof of Claim"), the Response to Diversified's Objection [Docket 5408], the Status Conference Statement Regarding Diversified's Objection [Docket 5427], and the pleadings filed in connection with Diversified's Motion to Establish Disputed Claim Reserve [Docket No. 5250], and the Objection having come on for hearing on December 5, 2007 at 9:30 a.m., Diversified having appeared through its counsel Jeffery Hermann, Esq. and Marc Levinson, Esq. of Orrick, Herrington & Sutcliffe LLP, and Mr. Reale having appeared through his counsel, Michael Newman, Esq., of Gerrard, Cox, & Larsen, and good cause appearing;¹

The Court having observed that Reale filed his Proof of Claim after the bar date established by prior order of this Court without first having obtained an order of this Court allowing such a late filing under Bankruptcy Rule 9006 (b) (1), and based upon the findings and conclusions placed upon the record by the Court at the conclusion of the hearing on the Objection, which such findings and conclusions are incorporated herein, and good and sufficient cause appearing therefore;

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¹ Terms not otherwise defined herein shall be as defined in the Objection.

1 IT IS HEREBY ORDERED that the Reale Proof of Claim is disallowed in its entirety and
 2 for all purposes, without prejudice to the right of Reale to re-file such proof of claim after first
 3 obtaining an appropriate order from this Court under Bankruptcy Rule 9006 (b) (1) allowing such
 4 late filing.

5 Dated this _____ day of December, 2007.

6 **In accordance with Local Rule 9021, the undersigned certifies:**

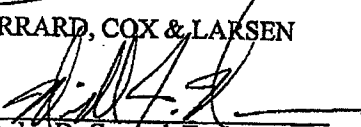
7 ☐ The court has waived the requirement of approval under LR 9021.

8 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the
 9 case.

10 ☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing,
 11 any unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
 and each has approved or disapproved the order, or failed to respond, as indicated below:


12 **APPROVED / DISAPPROVED:**

13 **GERRARD, COX & LARSEN**

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